

CAMP TYLER, COOK COUNTY, ILL.

FEBRUARY 2, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. OTJEN, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 7659.]

The Committee on War Claims, to whom was referred the bill (H. R. 7659) for the relief of the owners and occupants of Camp Tyler, in Cook County, Ill., report that they concur in the conclusions embodied in the report of this committee in the Fifty-third Congress, a copy thereof being hereto attached and made a part of this report, and recommend the passage of the bill.

[House Report No. 171, Fifty-third Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 3973) for the relief of the owners and occupants of Camp Tyler, in Cook County, Ill., report as follows:

After a full investigation of the facts involved, the report of the Committee on War Claims of the Fiftieth Congress on this case is adopted and made a part of this report, a copy thereof being hereto attached.

Your committee recommend the passage of the bill.

[House Report No. 2089, Fiftieth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 6207) for the relief of the owners and occupants of Camp Tyler, in Cook County, Ill., report as follows:

The bill is claimed to provide for payment to certain parties by the United States for property of various individuals taken for the use of the Government in 1862, situated on what was then known as Camp Tyler, in the city of Chicago, county of Cook and State of Illinois.

The facts in the case are as follows:

It seems that on the 26th of September, 1862, a body of paroled Federal soldiers having arrived at Camp Douglas, near the city of Chicago, which was already crowded with soldiers, the officer in command, without any express contract made with Foster & Smith, took possession of a certain race course and fair grounds, and the same were used as a camp for paroled prisoners up to November 24, 1862, known as Camp Tyler. During this occupation portions of the fence about the inclosure and portions of other structures on the grounds were used as fuel by the soldiers; other portions were burned up wantonly by the soldiers; but what portion was wantonly destroyed it is impossible from any evidence before the committee to determine with exact accuracy.

By order of Brig. Gen. Tyler, then in command of Camp Douglas, a board of survey was appointed November 25, 1862, who made full examination of the damage done to said premises and the loss occasioned to the owners by the occupation of the troops. This board of survey reported the entire damage to Smith & Foster, and

other parties who were owners of small structures on the premises by virtue of contracts made by Smith & Foster with them prior to said occupancy by the Government, at \$7,937.84. This estimate does not include anything for loss of business, but does include property destroyed by the troops wantonly. These claims were submitted to the Quartermaster-General years ago for allowance, and payment refused for want of jurisdiction.

For that portion of these claims arising from wanton destruction by the soldiers no compensation can be made.

"No government has ever held itself liable to individuals for the misfeasance, laches, or unauthorized exercise of power by its officers and agents. It does not undertake to guarantee to any person the fidelity of any of the officers or agents whom it employs, since that would involve it in all its operations in endless embarrassments, difficulties, and losses which would be subversive of the public interest." (*Gibbons vs. The United States*, 8 Wallace, page 269, and authorities there cited.)

Upon careful consideration of the evidence, the committee decide that, as nearly as can be ascertained, the property for which the Government ought to be held to account amounts to \$5,868.49, as follows:

Foster & Smith.....	\$2,901.01
Reynolds & Smith.....	1,187.95
Lill & Diversey.....	274.57
Smith & Katz.....	36.37
John Comfort.....	49.30
John Halloran.....	35.00
Mary Ormsby.....	31.50
Gasterich & Erbe.....	179.48
George Vogwill.....	30.00
John Keane.....	69.52
W. W. McFarland.....	175.09
Hugh O'Connor.....	69.46
Craig & Fuller.....	75.05
Edward Kehoe.....	163.85
Edward McCarthy.....	25.00
Andrew Moynihan.....	76.25
H. H. Yates.....	62.85
George Smith.....	321.24
Jared Bassett.....	105.00

Your committee therefore report back the bill and recommend its passage.